

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Norfolk Division**

CSX TRANSPORTATION, INC.,
individually and on behalf of NORFOLK
& PORTSMOUTH BELT LINE
RAILROAD COMPANY,

Plaintiff,

v.

Civil Action No. 2:18-cv-530-MSD

NORFOLK SOUTHERN RAILWAY
COMPANY, *et al.*,

Defendants.

_____ /

**CSX TRANSPORTATION INC.'S MOTION IN LIMINE TO PRECLUDE
MISCHARACTERIZATION OF CSXT'S RATE PROPOSALS**

Plaintiff CSXT Transportation, Inc. ("CSXT"), by counsel, respectfully submits this Motion in Limine under Federal Rules of Evidence 401, 402, and 403 seeking to prohibit Defendants Norfolk Southern Railway Company ("NSR") and Norfolk & Portsmouth Beltline Railroad Company ("NPBL") (collectively, "Defendants") from offering at trial any evidence and argument mischaracterizing CSXT's 2010 and 2018 Rate Proposals ("the Proposals"), including any suggestion that they violate the so-called "uniform rate" provision of NPBL's Operating Agreement. The factual and legal grounds supporting this Motion are set forth in the Memorandum in Support filed simultaneously herewith, and a proposed order granting the requested relief is attached as **Exhibit 1**.

WHEREFORE, for the reasons stated in the accompanying Memorandum, CSXT respectfully requests that the Court grant this Motion and any other relief the Court deems appropriate.

Dated: May 12, 2021

Respectfully submitted,

CSX TRANSPORTATION, INC.

By Counsel

/s/ Benjamin L. Hatch

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CERTIFICATE OF SERVICE

I certify that on this 12th day of May, 2021, a true and correct copy of the foregoing was served on all counsel of record via Notice of Electronic Filing by filing with the Court's CM/ECF system.

/s/ Benjamin L. Hatch

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